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C O N F I D E N T I A L SECTION 01 OF 02 PRETORIA 000527

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TAGS: [PGOV](#) [KDEM](#) [SF](#)

SUBJECT: ADVISOR SHAIK SAYS ZUMA NOT SUPPORTED BY PARTY;
WILL DRAG OUT TRIAL

REF: A. PRETORIA 330 AND PREVIOUS

[1](#)B. 07 PRETORIA 3917

[1](#)C. 07 PRETORIA 4218

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Classified By: Ambassador Eric M. Bost. Reasons 1.4(b) and (d).

[1](#)1. (C) SUMMARY: Recently-elected ANC President Jacob Zuma is not receiving support from the party, according to informal Zuma advisor Moe Shaik. Mbeki "cleared out" the ANC headquarters, leaving the "exhausted" Zuma with little support staff. The top six ANC leaders are not working "in harmony," Shaik claimed. On Zuma's impending corruption trial, his legal team will fight every procedural issue, as well as make a broader constitutional claim that Zuma cannot receive a fair trial due to the State's biased handling of the case. While Zuma is off to a rocky start as ANC president, he is the ultimate survivor. It would be a mistake to underestimate his ability to weather the political (and legal) storms ahead. END SUMMARY.

Zuma Exhausted; Not Supported

[1](#)2. (C) Moe Shaik, informal Zuma advisor, former diplomat, and brother of convicted fraudster Schabir Shaik, told PolOffs 08 March that African National Congress (ANC) President Jacob Zuma is "running himself ragged," with little support from the party. Shaik, who described himself as a "Jacob Zuma acolyte who loves (Zuma) despite his faults," visited the exhausted Zuma at his house the previous night. Shaik recounted how Zuma was meeting with a long string of visitors, each with requests and demands. No one screened the visitors or protected Zuma's private time.

[1](#)3. (C) Shaik complained that former ANC President Thabo Mbeki "cleaned out" Luthuli House (the ANC headquarters) after losing at the ANC conference in Polokwane in December. In the office of the ANC President, Zuma sits with only two secretaries, and no support structure. Shaik believes Mbeki

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is setting Zuma up for failure, describing Mbeki as "vengeful."

[1](#)4. (C) The top six ANC office bearers -- Zuma, Deputy President Motlanthe, Chairman Mbete, Secretary-General Mantashe, Deputy Secretary-General Modise, and Treasurer

Phosa -- are not "working in harmony," Shaik said. Despite the fact that the six were elected on the "Zuma ticket," they do not know each other well. Shaik noted that the ANC leadership is not as focused on helping Jacob Zuma as Shaik would hope. (COMMENT: It is possible that some of the top six, such as Motlanthe and Phosa, are secretly hoping Zuma will fail to enhance their own chances at the national presidency. END COMMENT.)

Court Case Strategy: Delay, Delay

¶5. (C) According to Shaik, the Zuma camp has two strategies for fighting his impending corruption trial (ref A), and neither one involves proving Zuma's innocence. First, Zuma's legal team is trying to stop the case on procedural grounds. The Constitutional Court heard Zuma's arguments 11 and 12 March in a last-ditch attempt to challenge the validity of search and seizure warrants in the Zuma case. The ANC President's legal team argued that the warrants were overly broad, and therefore violated Zuma's constitutional right to privacy. Zuma is also challenging the South African request to Mauritius to send evidence implicating Zuma in the corruption scandal. Should the Constitutional Court reverse the Supreme Court of Appeal's November rejection of these arguments (ref B), the State's ability to introduce key evidence against Zuma would be undermined.

¶6. (C) Second, Zuma will make a broader constitutional argument that his right to a fair trial has already been violated since he was not tried with Schabir Shaik. The legal team's argument will be that the State has stretched out the case for years, and Zuma has already been "tried" in the court of public opinion, making a fair trial impossible.

¶7. (C) Zuma may try to convince Mbeki, through the ANC, to delay the 2009 elections to give Zuma more time to conclude his case, Shaik suggested. (NOTE AND COMMENT: Under Article 49 of the South African Constitution, an election must be

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held within 90 days of the date the five-year term of the National Assembly expires. The National Assembly was last elected on April 14, 2004, so the election must be held no later than July 14, 2009. The President proclaims the date for the election. At this point, we consider it unlikely that Mbeki would delay the election to help his rival Zuma. END NOTE AND COMMENT.)

Looking Forward

¶8. (C) Turning to Zuma's plans if he becomes national President, Shaik has suggested to Zuma that he create a "super-ministry for planning" to ensure that his programs are implemented, similar to what PM Blair established in the United Kingdom following his first election. This new ministry would take budgeting power away from Treasury, which until now has held the purse strings. (COMMENT: We take Shaik's bureaucratic advice with a grain of salt, as it is not clear whether Zuma would listen to him in organizing his government. END COMMENT.) According to Shaik, Zuma's administration would focus on domestic issues first, and would be much more selective than Mbeki in choosing his international interventions. (NOTE: See ref C for Post's speculation on what South Africa's foreign policy might look like under Zuma. END NOTE.) Shaik, a former ANC intelligence official, said the SAG intelligence structures are a "mess" and even suggested dismantling the intelligence services, placing core functions in other departments like Foreign Affairs.

19. (C) Zuma is off to a rocky start as ANC President. He has made a number of high-profile public gaffes on issues as varied as affirmative action, the death penalty, labor laws, and Mbeki's powers (septel), to the dismay of several core ANC constituencies. The defeated Mbeki has little incentive to help Zuma settle into the role of ANC President, and the reported lack of unity among the ANC leadership, if true, is problematic for Zuma. Moreover, Zuma's impending corruption trial, scheduled to begin in August, remains an albatross around Zuma's neck, with no obvious resolution in sight. Despite these numerous challenges, Zuma remains popular with grassroots ANC supporters, who were fully aware of his legal difficulties when they elected him. Zuma is the ultimate survivor. Zuma's term as ANC President has only just begun, and we should not underestimate his ability to weather these storms and emerge as South Africa's next president.
BOST